

B. [§101.53] Script: Findings and Orders

(1) *Introduction*

The court has read and considered [*name the documents, which might be the petition, the social worker's report (specify date), and attached documents or whatever the local nomenclature is*]. The court has also considered the testimony of the witnesses and their demeanor on the stand, as well as the arguments of counsel.

(2) *Parties*

The court finds that the legal status of [*name*] is [*status of man who claims or is claimed to be the father*].

Note: As to each man who claims to be (or is alleged by others to be) the father, the court may make a finding as to whether he is a biological or presumed father after holding a hearing on the issue. If the evidence does not establish that he is the biological or presumed father, the court may find that he is not the father of the child or that he remains only an alleged father. See [Benchguide 100: Juvenile Dependency Initial or Detention Hearings §100.26 \(Cal CJER\)](#).

(3) *After uncontested hearing*

[If allegations are not sustained]

a. Notice has been given as required by law.

b. The birthdate of the child is [*date*], and the child's county of residence is [*state name of county*].

c. The parents or guardian(s) have knowingly waived the rights to

- Trial on the issues,
- Assert any privilege against self-incrimination,
- Confront and cross-examine adverse witnesses, and
- Use the court's process to compel attendance of witnesses.

d. The parents or guardian(s) understand the nature of the conduct alleged in the petition and the potential consequences of their admission, plea of no contest, or submission.

e. The admission, plea of no contest, or submission has been made voluntarily and freely.

The court finds that the allegations in the petition have not been sustained. The case is dismissed [*and any previously ordered detention is terminated*].

[If allegations are found to be true]

The court finds that the allegations in the petition are sustained by a preponderance of the evidence and that [name of child] is a child described by [Welfare and Institutions Code section 300](#), subsections ____.

- ☛ JUDICIAL TIP: Some judges make these findings by clear and convincing evidence whenever warranted.

The court also finds that:

- a. Notice has been given as required by law.
- b. The birthdate of the child is [date], and the child's county of residence is [state name of county],
- c. The parents or guardian(s) have knowingly waived the rights to
 - Trial on the issues,
 - Assert the privilege against self-incrimination,
 - Confront and cross-examine adverse witnesses, and
 - Use the court's process to compel attendance of witnesses.
- d. The parents or guardian(s) understand the nature of the conduct alleged in the petition and the potential consequences of their admission, plea of no contest, or submission.
- e. The admission, plea of no contest, or submission has been made voluntarily and freely.
- f. There is a factual basis for the admission.
- g. The admitted allegations of the petition are true as alleged.

(4) After contested hearing

The court finds that the allegations in the petition have not been proved by a preponderance of the evidence. The court also finds that notice has been given as required by law and that the birthdate of the child is [date], and the child's county of residence is [state name of county]. The case is dismissed [and any previously ordered detention is terminated].

[Or]

The court finds that the allegations in the petition have been proved by a preponderance of the evidence and that [name of child] is a child described by [Welfare and Institutions Code section 300](#), subsections ____.

The court also finds that:

- a. Notice has been given as required by law.
- b. The birthdate of the child is [date], and the child's county of residence is [state name of county].

(5) Disposition hearing

The disposition hearing is scheduled for [date], at ____ __.m. in Department _____. [Name of parent(s), guardian(s), etc.] [is/are] ordered to attend.

Note: The court may order the disposition hearing to be continued. Under [Welf & I C §352\(c\)](#), waiver is implied if a party is represented by counsel and no objection is made to a continuance.